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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

Letter dated 14 December 2005 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

I have the honour to submit for circulation to the United Nations Member States a document prepared on the basis of the long and painful experience, of our country as well as many others, of emergency situations which have claimed many lives and much loss of property.

The document, entitled "Declaration relating to basic tenets of humanitarian action in emergency situations" (see annex), is being submitted in the context of the outcome of the recent 2005 World Summit and the experience of the international community in the field of man-made and natural disasters. It is intended to serve States facing emergencies as well as the international community in the context of humanitarian assistance.

In keeping with the reports of the Secretary-General relating to the promotion of a new international humanitarian order (A/57/583 and A/59/554), the attached document was prepared in close collaboration with the Independent Bureau for Humanitarian Issues and in consultation with a number of independent experts with extensive experience of emergency situations.

It would be appreciated if the Member States could provide our Mission in New York with their views and suggestions so that the document can be finalized for adoption by the General Assembly and for eventual implementation in order to facilitate and further improve humanitarian assistance in emergency situations.

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly under agenda items 39 and 73.

(*Signed*) H.E. Mr. Milos M. **Prica**
Permanent Representative of Bosnia and Herzegovina
to the United Nations

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Annex to the letter dated 14 December 2005 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

Declaration relating to basic tenets of humanitarian action in emergency situations

The General Assembly,

Noting with concern the difficulties and obstacles often faced by national or regional populations in receiving timely and adequate humanitarian assistance when adversely affected by man-made or natural emergencies,

Considering that according to Article 1 of the Charter, the United Nations seeks "to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion",

Being convinced that timely supply of food, water, shelter and medical care for which safe, speedy and unhindered access to the affected populations is essential can significantly decrease not only human suffering but also the number of casualties,

Being aware that alongside actions by Governments and intergovernmental organizations, the speed and efficiency of humanitarian emergency assistance depend considerably on local communities as well as national, regional and international non-governmental organizations,

Realizing that emergency assistance should be based on identified needs with the main purpose of saving lives, alleviating suffering and ensuring that the rights and dignity of every individual are respected and protected,

Stressing the importance of elaborating and implementing methods and strategies which link emergency relief to human survival as well as sustainable development processes and durable solutions,

Reaffirming the importance of supporting the efforts of countries, in particular developing countries, to strengthen their capacities at all levels in order to be adequately prepared for and to respond effectively and rapidly to man-made or natural disasters and to eventually mitigate their impact,

Being convinced that it is essential to pursue more vigorously preventive measures and strategies relating to humanitarian emergencies on the basis of regular analytical study of crisis-prone areas and timely elimination of root causes,

Recalling its resolution 46/182 of 19 December 1991, and in particular the guiding principles and prevention and preparedness measures elaborated in the annex to the resolution,

1. *Calls upon* Governments to contribute actively to the implementation and eventual national codification of norms and principles corresponding to contemporary humanitarian challenges and problems created by man-made or natural disasters as contained, inter alia, in the attached Declaration;

2. *Invites* international governmental and non-governmental organizations to assist in the above-mentioned process;

3. *Adopts* the following Declaration, containing the principal basic tenets of humanitarian action in man-made or natural emergency situations:

Declaration

1. Timely and speedy humanitarian action should be taken in all situations which constitute an emergency, whether it is a man-made or natural disaster, when essential human needs are not being adequately met and when neglecting the affected populations could constitute a massive threat to human life, cause widespread suffering and adversely affect human dignity;

2. Humanitarian action must ensure the survival and welfare of all affected men, women and children as well as their protection and fulfilment of their basic needs, irrespective of their origin, race, religion, gender or affiliation with a socio-economic group, in conformity with humanitarian and human rights laws, principles and practices;

3. Root causes of humanitarian emergency situations should be addressed in a timely and effective manner in collaboration with all actors concerned, not only in the specific emergency area but also in the surrounding areas prone to similar emergencies;

4. Effective early warning systems should be developed and used to promote preventive action through identification and elimination of root causes or to contain emergencies to the greatest possible extent at the national as well as the regional level;

5. The scale and scope of humanitarian action should be determined on the basis of impartially identified needs, and a system should be developed for determining adequate help corresponding to the livelihood level of the country or region of origin. To this effect, assistance programming must be people-oriented and not confined by national borders;

6. All States and participating intergovernmental and non-governmental organizations must uphold and respect basic principles, including non-discrimination, impartiality and neutrality, and ensure that humanitarian workers have safe, speedy and unhindered access to the needy populations in conformity with the relevant provisions of international and national laws;

7. Humanitarian action should neither replace the simultaneous active search for permanent solutions to humanitarian and socio-economic problems nor be used simply to buy time;

8. National and regional organizations and institutions should be encouraged and adequately assisted to play a key role in preventive, curative and consolidation measures in situations of actual and potential man-made or natural emergencies;

9. Humanitarian actions should neither weaken nor marginalize local structures but rather strengthen the socio-economic capacity of local, national and regional communities, entities and organizations. Likewise, local staff and local

expertise, rather than international officials and high-cost services, should be deployed to the greatest possible extent in humanitarian emergency operations;

10. Negative impacts of humanitarian assistance on local economies must be avoided, and to this end, a thorough study and regular monitoring of local markets and overall conditions must be an integral part of the planning and implementation processes of the national, regional and international organizations concerned;

11. Individuals and groups affected by emergencies should not be treated as helpless victims but rather as human beings entitled like all others to human rights, solidarity and freedom without discrimination;

12. Populations at risk have the right to stay in their places of habitual residence or to temporarily seek safety and security elsewhere. No persons should be involuntarily dislocated during times of humanitarian emergencies unless their lives are at risk, in which case they should be helped to move to or settle in, as appropriate, safer places less prone to disaster;

13. In the case of the physical movement of persons seeking refuge out of their country of habitual residence, it is preferable that such movement be to a neighbouring country or to the same region or continent in order to promote or facilitate eventual voluntary repatriation or local integration;

14. It is primarily the duty of the States on whose territory emergencies occur to ensure the protection, safety and well-being of the populations affected by emergencies;

15. In cases where the magnitude of a humanitarian emergency happens to be beyond the response capacity of the affected country, international cooperation and assistance must be speedily provided in accordance with international law and practice;

16. States close to humanitarian emergency situations, particularly the areas which are difficult to reach, should facilitate the speedy transit of humanitarian assistance and assist as much as possible in the aid efforts;

17. It is the responsibility of the national, regional and international humanitarian agencies which provide assistance to ensure, through adequate monitoring and independent evaluation, the proper use of their assistance and its impact on the affected populations;

18. For immediate availability and speedy deployment of humanitarian and peacekeeping personnel, it is essential to establish a standby arrangement at international governmental and non-governmental levels and to ensure adequate capacity for timely action as well as a modus operandi based on satisfactory cooperation and coordination;

19. Humanitarian and peacekeeping personnel should have the mandate to facilitate humanitarian aid monitoring and to pay special attention to the needs of vulnerable groups, including, in particular, women and children, as well as handicapped and elderly persons;

20. People directly affected by humanitarian emergency situations must be entitled to be associated, to the extent appropriate, with the planning and implementation of humanitarian assistance provided to them;

21. The planning, monitoring and eventual evaluation of emergency assistance should be done by local and international staff jointly with a carefully selected group of experts representing the donors and recipient Governments, as well as impartial, neutral and experienced international experts selected independently for each specific emergency;

22. The right to humanitarian assistance of the affected populations should depend entirely on timely and careful identification and evaluation of their actual needs by the above-mentioned expert group;

23. Officials of the United Nations, as well as all international and national organizations, both intergovernmental and non-governmental, involved in carrying out humanitarian aid activities must be fully briefed about the conditions under which they operate and should be adequately trained in the relevant social, economic and political matters in order to carry out their duties in an effective, timely and appropriate manner;

24. In the context of international cooperation, the principle of burden-sharing should be applied to all humanitarian actions and operational activities;

25. Use of humanitarian assistance for purposes other than what it is intended for should be strictly prohibited and prevented through regular monitoring and evaluation;

26. Humanitarian action in emergency situations must be pursued as much as possible in a way which links relief and rehabilitation to socio-economic development activities and durable solutions in the affected country and region;

27. The State and the conflicting parties concerned should strictly adhere to the universally accepted humanitarian principles and provisions of relevant international law and national legislation while cooperating with the United Nations bodies and other humanitarian organizations concerned;

28. Each individual State has the responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity, while, at the same time, the international community and in particular the Governments and organizations directly involved, should ensure that such protection is provided in a timely and effective manner;

29. Emergency assistance should be planned, to the greatest possible extent, as the catalytic force for the beginning of a process of socio-economic development as well as the elimination or root causes of both man-made and natural disasters;

30. The basic tenets contained in the present Declaration may be adjusted, as appropriate, to the geographic and historical background of the country concerned, whether the emergency situation relates to a man-made or natural disaster, in order to make them more effective and productive.